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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,255	06/23/2000	George William McClurg	1823.0080001/MVM/LLM	8980
26111	7590	04/13/2004	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			WANG, ALBERT C	
			ART UNIT	PAPER NUMBER
			2115	16
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,255

Applicant(s)

MCCLURG ET AL.

Examiner

Albert Wang

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on March 1 & 29, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 29, 2004 has been entered.
2. This Office Action is responsive to Amendment C filed March 1, 2004. Independent claims 1 and 10 have been amended to incorporate further limitations, claim 14 has been canceled, and claims 15 and 16 have been amended to depend on claim 10. Claims 1-7, 9-13, 15, and 16 are pending.
- 3.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said fingerprint scanner" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the data and communication interface" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al., U.S. Patent No. 5,467,403 ("Fishbine"), in view of Kurase, U.S. Patent No. 6,298,395.

As per claim 1, Fishbine teaches a mobile hand-held fingerprint scanner (Fig. 1, portable image collection unit 10 comprising fingerprint scanner 12), comprising:

an interface charged rechargeable power supply that powers the scanner during mobile use (Col. 7, lines 54-61, rechargeable battery pack); and

a data and power communication interface that is configured to be coupled to a docking station (Fig. 1, base unit 8 has I/F 32 for data transmission interface 9, and charger/cradle 34),

wherein data is communicated from said fingerprint scanner to a host processor via said data and power communication interface through said docking station (Col. 3, lines 40-43; Fig. 1, host I/F 36) and power is provided to charge said interface charged rechargeable power supply through said docking station when said data and power communication interface is coupled to said docking station (Col. 4, lines 23-29), and wherein said data includes information representative of a fingerprint image captured by the mobile, hand-held fingerprint scanner (Col. 3, lines 40-43)

However, Fishbine does not expressly teach a dedicated plug for recharging a power supply separate from a data interface can be avoided. Kurase teaches a mobile hand-held scanner (Fig. 10, digital camera 80), comprising:

an interface charged rechargeable power supply that powers the scanner during mobile use (battery 48); and

a data and power communication interface that is configured to be coupled to a docking station (connectors 46 and 47 configured to be coupled with charging apparatus 40A),

wherein data is communicated from said scanner to a host processor via said data and power communication interface through said docking station (Col. 10, lines 47-61, data communicated to CPU 41 and personal computer 60) and power is provided to charge said interface charged rechargeable power supply through said docking station when said data and power communication interface is coupled to said docking station (Col. 10, lines 47-61); whereby, a dedicated plug for recharging a power supply separate from a data interface can be avoided (Col. 8, lines 56-58).

Furthermore Kurase teaches transfer of image data (Col. 1, lines 42-52). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Kurase's avoiding a dedicated plug for recharging a power supply separate from a data interface to Fishbine's fingerprint scanner. A motivation for doing so would have been to take advantage of power supply lines existing in a communication channel for recharging a battery (Col. 1, lines 42-52; Col. 4, lines 32-44).

As per claim 2, Fishbine teaches at least one rechargeable battery (Col. 7, lines 54-61).

As per claim 6, Kurase teaches a universal serial bus (Col. 1, lines 42-52).

As per claim 7, Kurase teaches an IEEE 1394 compatible interface (Col. 10, lines 40-47; Figs. 8 & 10).

As per claims 10, 15, and 16, since Fishbine/Kurase teaches the mobile hand-held fingerprint scanner of claims 1, 2, 6, and 7, the combination teaches the claimed method.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine/Kurase as applied to claims 1 and 10 above, and further in view of Casey, U.S. Patent No. 6,011,486.

As per claim 3, Fishbine/Kurase does not expressly teach the details of said interface charged rechargeable power supply to include a charging circuit. Casey teaches such a charging circuit (Fig. 7, voltage regulation circuit 103; Fig. 7 and Col. 6, line 59 – Col. 7, line 2). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Casey's charging circuit to Fishbine/Kurase's mobile hand-held fingerprint scanner, in order to ensure the integrity of the invention.

As per claim 4, by regulating voltage Casey's charging circuit regulates the rate of charging (Fig. 7, Vrecharge).

As per claim 5, Casey teaches a voltage regulator circuit that maintains a substantially constant output system voltage (Fig. 7, Vrecharge).

As per claims 11-13, since Fishbine/Kurase/Casey teaches the mobile hand-held fingerprint scanner of claims 3-5, the combination teaches the claimed method.

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7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine/Kurase as applied to claims 1 and 2 above, and further in view of Geiger, U.S. Patent No. 6,1254,010.

As per claim 9, while Fishbine/Kurase teaches rechargeable batteries, the combination does not expressly teach nickel cadmium batteries. Geiger teaches that nickel cadmium rechargeable batteries are well known in the art (Col. 1, line 55 – col. 2, line 3).

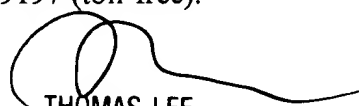
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

aw  
April 12, 2004

  
THOMAS LEE  
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